

Message Text

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E.O. 11652: N/A

TAGS: OGEN, TQ

SUBJECT: LAND USE AGREEMENTS

DOTA NO. 368-TT

UNDER SECRETARY JOSEPH IS NOT AVAILABLE THIS WEEK FOR
DECISION ON INDEFINITE LAND USE AGREEMENTS. JAMES BERG
REPORTED TO ME ON DISCUSSIONS HELD RECENTLY BY TRUST
TERRITORY EXECUTIVE BRANCH REPRESENTATIVES HIGH AND YAMADA,
CONGRESS OF MICRONESIA REPRESENTATIVE SALII AND OFFICE OF
TERRITORIAL AFFAIRS REPRESENTATIVE BERG REGARDING INDEF-
INITE LAND USE AGREEMENTS IN THE TRUST TERRITORY. I INTEND
TO PROPOSE THE FOLLOWING POLICY STATEMENT TO MR. JOSEPH
UPON HIS RETURN:

"BEFORE FURTHER ACTION CAN BE TAKEN ON THIS ISSUE OR
FURTHER DECISIONS MADE ADDITIONAL INFORMATION SHOULD BE
DEVELOPED. I BELIEVE NO RECOMMENDATIONS SHOULD BE MADE TO
THE CONGRESS OF MICRONESIA ON THE MATTER AND NO POLICY
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ANNOUNCEMENTS MADE UNTIL SUCH INFORMATION IS AVAILABLE.
I WOULD SUGGEST THAT YOU FORM A COMMITTEE, PERHAPS CON-
SISTING OF A CERTIFIED LAND APPRAISER, AN ATTORNEY, AND A
REALTY EXPERT TO INQUIRE INTO EACH EXISTING INDEFINITE USE
AGREEMENT. THE COMMITTEE SHOULD DETERMINE THE FOLLOWING:

(1) CIRCUMSTANCES SURROUNDING THE ACQUISITION OF THE LAND,

ALLEGATIONS OF UNDUE INFLUENCE, UNFAIRNESS, DURESS, ETC.

(2) WHAT WAS APPROXIMATE FAIR MARKET VALUE FOR THE INTEREST ACQUIRED AT THE TIME OF ACQUISITION? WAS FAIR MARKET VALUE PAID FOR THE ACQUISITION? (3) WAS THERE CONSIDERATION FOR THE ACQUISITION OTHER THAN MONETARY, SUCH AS A LAND EXCHANGE? WERE ANY OF THE GRANTS OCCASIONED BY CIVIC PRIDE, PUBLIC SPIRITEDNESS, COMMUNITY INTEREST, ETC. THAT MIGHT BE CONSIDERED AN ELEMENT OF CONSIDERATION? (4) EACH CURRENT PARCEL UNDER AGREEMENT SHOULD BE EXAMINED TO DETERMINE IF IT IS CURRENTLY ABSOLUTELY NEEDED, HOW LONG NEEDED, AND IF NEEDED, EFFECT OF DECREASING QUALITY OF PROPERTY INTEREST BY CONVERTING IT TO A LEASE FOR A TIME CERTAIN. (5) OTHER PAYMENTS AND BENEFITS SUCH AS RESERVED RIGHTS TO FARM, USE OR TAKE PROFITS FROM THE LAND, ETC. SHOULD ALSO BE REPORTED. (6) THE REPORT SHOULD CONTAIN ANY OTHER INFORMATION OF A FACTUAL NATURE THAT WILL BE HELPFUL IN REACHING ULTIMATE DECISIONS ON THIS ISSUE. WAR CLAIMS RECEIPTS MAY PROVIDE EVIDENCE OF VALUE OF PROPERTY OR ADEQUACY OF PAYMENT. THIS STUDY WITH ULTIMATE REPORT SHOULD BE DESIGNED TO BE IN KEEPING WITH MY PROMISE TO MEMBERS OF THE LEADERSHIP OF THE CONGRESS OF MICRONESIA DURING THEIR VISIT TO WASHINGTON IN MARCH OF THIS YEAR FOR AN ACTION ORIENTED STUDY. ONCE REPORT HAS BEEN REVIEWED WE WILL BE IN A BETTER POSITION TO ADDRESS THE FINDING OF PRACTICAL SOLUTIONS. IF THE REPORT INDICATES SUBSTANTIAL FUNDING NEEDS TO DO EQUITY

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AND JUSTICE WE PRESUME FEDERAL FUNDS WILL BE REQUIRED. IF SO, A GREAT DEAL OF COORDINATION, PLANNING, AND DECISION MAKING WILL BE REQUIRED AT THE WASHINGTON LEVEL BEFORE ANY POLICY ANNOUNCEMENTS CAN BE MADE. IN THIS CONNECTION I WOULD HOPE TO AVOID AROUSING EXPECTATIONS LOCALLY UNTIL FULL AND ADEQUATE INFORMATION IS AVAILABLE FROM WHICH POLICY AND ACTION CAN BE DETERMINED."

I RECOMMEND THAT YOU BE GUIDED ACCORDINGLY PENDING YOUR RECEIPT OF FURTHER COMMUNICATION FROM THE UNDER SECRETARY. YOUR COMMENTS ON THIS PROPOSED POLICY WOULD BE MOST WELCOME.

DIRECTOR, OFFICE OF TERRITORIAL AFFAIRS SENDS. CHRISTOPHER

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